

### **REMARKS**

Claims 1-11 were examined and reported in the Office Action. Claims 7-11 are allowed. Claim 1 is rejected. Claims 1-11 remain.

Applicants request reconsideration of the application in view of the following remarks.

#### **I. Amendments to the Drawings**

It is asserted in the Notice of Non-Compliant Amendment that the drawings are not properly identified. Applicant notes that the drawings submitted in the response mailed on February 21, 2007 were not amendments to the drawings but were submitted to assist in understanding the differences between Applicant's claimed invention and the cited prior art. Applicant notes that page 5 of the response mentions the drawings attached and explains the differences using the drawings. Therefore, the drawings submitted are not replacement sheets. This explanation in view of the submitted response should clarify the submission of the attached drawings in the response mailed on February 21, 2007. Applicant respectfully asserts the response submitted was in proper compliance. Applicant further amends the previous response herein to further clarify.

#### **II. 35 U.S.C. §102**

It is asserted in the Office Action that claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,953,125 issued to de Groot ("de Groot"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not

required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Applicant's claim 1 contains the limitations of

[a]n apparatus for shifting a reference distance of a laser displacement sensor, wherein the apparatus is mounted on the laser displacement sensor provided with a laser beam source for generating a laser beam and a laser beam reception member, the apparatus comprising: a transparent member having a refraction index being different from a refraction index of an air; and a holder for supporting the transparent member in such a way that the transparent member is placed in an optical path of the laser beam; wherein the transparent member changes a reference distance of the laser displacement sensor by changing the optical path of the laser beam.

Applicant hereby submits two pages with drawings to assist in understanding the differences between Applicant's claimed invention and de Groot. These drawings are not replacement sheets.

As shown in the Attached drawing, in Applicant's claimed invention a reference distance of the displacement sensor means a center value of limitation range with respect to an initial set distance between the displacement sensor and the object. That is, to change the reference distance by using the transparent member means to change a range on which the object exists for measuring the displacement of the object.

In the lower drawing of de Groot, however, the transparent member has a gap from an object, and the intensity and phase of the polarized light which is reflected from the object depend on the gap between the transparent member and the object.

Moreover, de Groot does not teach, disclose or suggest the reference distance. That is, a reference distance is not changed by the transparent member in de Groot. Additionally, the gap is not measured without the transparent member. Particularly, the reference surface in de Groot indicated in the Office Action means the reference plane for measuring a gap between the transparent member and the object. That is, the reference distance in Applicant's claimed invention is different from the reference plane in de Groot.

Further, de Groot does not teach, disclose or suggest Applicant's claim 1 limitations of "a holder for supporting the transparent member in such a way that the transparent member is placed

in an optical path of the laser beam; wherein the transparent member changes a reference distance of the laser displacement sensor by changing the optical path of the laser beam.”

Therefore, since de Groot does not disclose, teach or suggest all of Applicant's claim 1 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to de Groot. Thus, Applicant's amended claim 1 is not anticipated by de Groot.

Accordingly, withdrawal of the 35 U.S.C. §102 (b) rejections for claim 1 is respectfully requested.

**III. Allowable Subject Matter**

Applicant notes with appreciation that the Examiner has allowed claims 7-11. Applicant also notes with appreciation the Examiner's assertion that claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully asserts that claims 1-11, as they now stand, are allowable for the reasons given above.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 1-11, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees. If a telephone interview would expedite the prosecution of this Application, the Examiner is invited to contact the undersigned at (310) 207-3800.

Respectfully submitted,

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Dated: March 8, 2007

By: \_\_\_\_\_

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

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Jean Svoboda

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Date: March 8, 2007